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Washington State Supreme Court

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RE: Standards for Indigent Defense

Greetings:

I write to comment on the proposed rule on Standards for Indigent Defense regarding misdemeanor representation. On the 12th of November I will celebrate 25 years as a lawyer in the State of Washington. During that time period I have been consistently involved in the practice misdemeanor criminal law either as a Prosecutor in small municipal courts (Oakville, McCleary, Elma, Montesano and Steilacoom) or as a contract public defender (Olympia and Lacey). I am opposed to any numerical limitation on the number of misdemeanor cases that any individual defender may handle in a given year. The reasons for my opposition are more fully set out in the materials presented to the court by the Washington State Association of Municipal Attorneys and the Association of Washington Cities.

A theoretical standard has no direct correlation to the quality of representation that I am able to deliver to my clients based on my 25 years of experience. Limiting the number of cases that I can handle will result in the cities I work for to have to expend additional resources (MONEY!) to hire additional defenders, most likely at the lowest cost they can find (read green attorney who can't find other work). My thought is that although the end result may be that there are more public defenders working, at greater expense to cities, the quality of representation will likely be significantly reduced. Prosecutors and Judges are able to sufficiently review the quality of a defender's work to insure that clients' will receive effective assistance of counsel.

I am also opposed to this Court limiting my ability to work in the areas of the law that I choose to focus upon. When I practiced family law, I was able to handle as many cases as I was willing to take on. Shall we soon expect the court to be considering limits in other high conflict areas of the law?

Your assistance in reviewing my comments is greatly appreciated.

Very truly yours,

Lawrence E. Hoffman